



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,453	04/27/2006	Mark Vaimo	006921.00010	3428
22907 7590 03/17/2009 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
BATISTA, MARCOS				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
03/17/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/577,453

**Applicant(s)**

VAINIO ET AL.

**Examiner**

MARCOS BATISTA

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01/29/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1, 3-8 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/29/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 8 and 15 have been considered but are moot in view of the new ground(s) of rejection. Claims 1, 3-8, 10-16 are still pending in this application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. Claims 1, 3, 4, 8, 10, 11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pattabiraman et al. (US 20030195010 A1), hereafter "Pattabiraman," in view of Dutta et al. (US 20020186845 A1), hereafter "Dutta."

Consider claim 1, Pattabiraman discloses an apparatus comprising: media processing circuitry adapted to provide media processing functionality in the apparatus (**see fig. 2 par. 35 lines 1-13**); a connector adapted to establish a communication link between the apparatus and a mobile telecommunication terminal (**see fig. 2 #290, par. 40 lines 1-8**); an accessory interface circuitry adapted to transfer a message to the mobile telecommunications terminal via the connector, said message comprising a specification of at least a part of the media processing functionality provided by the media processing circuitry included in the apparatus (**see par. 0052 lines 1-9** – where the access device A transfer voice or data to device B so device B can send it to the

wide area network); wherein the apparatus is configured to receive media data forwarded from the mobile telecommunication terminal for processing by the media processing circuitry of the apparatus due to the disabling of the second media processing circuitry of the mobile telecommunication terminal (**see fig. 1, pars. 0048 lines 1-17, 0023 lines 23-30**).

Pattabiraman, however, does not particular refer to wherein the apparatus is adapted to transfer a message to the mobile communications terminal comprising a command to the mobile communications terminal to disable the specified processing functionality in a second media processing circuitry, the second media processing circuitry located in the mobile telecommunication terminal.

Dutta, in analogous art, teaches wherein the apparatus is adapted to transfer a message to the mobile communications terminal comprising a command to the mobile communications terminal to disable the specified processing functionality in a second media processing circuitry, the second media processing circuitry located in the mobile telecommunication terminal (**see fig. 5, abstract, par.7 lines 1-14**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Pattabiraman and have it include wherein the apparatus is adapted to transfer a message to the mobile communications terminal comprising a command to the mobile communications terminal to disable the specified processing functionality in a second media processing circuitry, the second media processing circuitry located in the mobile telecommunication terminal, as taught by Dutta. The motivation would have been in order to provide a mechanism for disabling

features not being used in the mobile device (**see fig. 5, abstract, par. 7 lines 1-14**).

Consider claim 3, Pattabiraman as modified by Dutta discloses claim 1, Pattabiraman further discloses wherein the accessory interface circuitry is adapted to receive a request, from the mobile telecommunications terminal, for a transfer of the message before transferring the message to the mobile communications terminal (see par. 0046 lines 1-9).

Consider claim 4, Pattabiraman as modified by Dutta discloses claim 1, Pattabiraman also teaches the apparatus comprising media transferring circuitry for transferring the media data between the accessory device and the mobile telecommunications terminal (see fig. 2, par.40 lines 1-10).

Consider claims 8, 10 and 11, these are method claims corresponding to apparatus claims 1, 3 and 4. Therefore, they have been analyzed and rejected based upon the apparatus claims 1, 3 and 4 respectively.

Consider claims 15 and 16, these claims discuss the same subject matter as claims 1 and 4 respectively. Therefore, they have been analyzed and rejected based upon the rejection to claims 1 and 4.

7. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pattabiraman et al. (US 20030195010 A1), hereafter "Pattabiraman," in view of Dutta et al. (US 20020186845 A1), hereafter "Dutta," further in view of Lin (US 20020102998 A1), hereafter "Lin."

Consider claim 5, Pattabiraman as modified by Dutta discloses claim 4 above. However, Pattabiraman as modified by Dutta does not particular refer to wherein the media transferring circuitry is adapted to transfer audio data, video data or image data.

Lin teaches a media transferring circuitry is adapted to transfer audio data, video data or image data (see fig. 1, [0024]-[0026]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Pattabiraman as modified by Dutta and have it include a media transferring circuitry is adapted to transfer audio data, video data or image data, as taught by Lin. The motivation would have been in order to facilitate access to the content offered by the content server or other networking devices (see [0028]).

Consider claim 12, this is method claim corresponding to apparatus claim 5. Therefore, it has been analyzed and rejected based upon the apparatus claim 5 above.

8. Claims 6, 7, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pattabiraman et al. (US 20030195010 A1), hereafter "Pattabiraman," in view of Dutta et al. (US 20020186845 A1), hereafter "Dutta," further

in view of Zad Issa et al. (US 6751313 B2), hereafter "Zad."

Consider claim 6, Pattabiraman as modified by Dutta discloses claim 1 above. However, Pattabiraman as modified by Dutta does not particular refer to wherein the media processing circuitry is adapted to perform an echo-canceling algorithm.

Zad teaches wherein the media processing circuitry is adapted to perform an echo-canceling algorithm (see fig. 3, col. 7 lines 36-44).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Pattabiraman as modified by Dutta and have it include a media processing circuitry is adapted to perform an echo-canceling algorithm, as taught by Zad. The motivation would have been in order to filter noise and regulate/remove unwanted sound from the communication media (see fig. 3, col. 7 lines 36-44).

Consider claim 7, Pattabiraman as modified by Dutta discloses claim 1 above. However, Pattabiraman as modified by Dutta does not particular refer to wherein the media processing circuitry is adapted to perform a frequency equalizing algorithm.

Zad teaches a media processing circuitry is adapted to perform a frequency equalizing algorithm (see fig. 4, col. 7 lines 36-44). The motivation would have been in order to filter noise and regulate/remove unwanted sound from the communication media (see fig. 4, col. 7 lines 36-44).

Consider claims 13 and 14, these are method claims corresponding to apparatus

claims 6 and 7. Therefore, they have been analyzed and rejected based upon the apparatus claims 6 and 7 respectively.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Application/Control Number: 10/577,453

Page 9

Art Unit: 2617

*/Marcos Batista/*  
Examiner

*/Rafael Pérez-Gutiérrez/*  
Supervisory Patent Examiner, Art Unit 2617

03/11/2009